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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,469	03/27/2004	David S. Bonalle	03292.101090.21	9765
66569	7590	01/11/2008		
FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER NGUYEN, NAM V	
			ART UNIT 2612	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/810,469	<b>Applicant(s)</b> BONALLE ET AL.	
	<b>Examiner</b> Nam V. Nguyen	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) ✓            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) ✓ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This communication is in response to applicant's Amendment which is filed October 17, 2007.

An amendment to the claims 1 and 5-6 has been entered and made of record in the application of Bonalle et al. for a "system and methods for providing a RF transaction device operable to store multiple distinct calling card accounts.

Claims 1-7 are now pending in the application.

### ***Response to Arguments***

In view of applicant's argument about the application entitled to the priority date of the parent application, the current application claims priority to U.S. Patent application 10/435,420, as originally filed on May 9, 2003, therefore, the effective date is the filing data of the U.S. Patent application 10/435,420, which is May 9, 2003.

In view of applicant's amendment to amend the abstract to overcome the proper content, therefore, examiner has withdrawn the objection.

In view of applicant's argument about the clause "operable to" and "configured to", therefore, examiner has withdrawn the Claim Objection.

Based upon the facts established by the accompany of a terminal disclaimer, therefore the examiner has withdrawn claims 1-7 rejections where the cited prior art reference to U.S. Patent Application Publication No. 2004/0249839 is used, but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 1-7, filed October 17, 2007 have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hikita et al. (US# 6,747,546) in view of Tamaoki (US# 4,868,849) and in view of Williams et al. (US# 6,016,484).

With regards to claim 6., Hikita et al. teach a communication system for a IC card (i.e. transaction device) distinctly storing multiple account numbers managed by different providers on a RF operable IC card 3 or 31 or 32 shown in Figures 1,6 and 10, said RF operable IC card 3, 31,32 comprising:

a memory 17 divided into several memory areas 17-1 to 17-n configured to store ID numbers of different providers (considered as functionally equivalent to the claimed "at least a first data storage area configured to store a first calling card number in a first format and a second data storage area configured to store a second calling card number in a second format different from said first format") {see Hikita et al, column 4, lines 16-44+};

each memory area is associated with the ID number of the individual providers. The ID numbers are determined by the individual providers {see Hikita et al, column 4, lines 30-43+; column 7 and lines 22-30+; column 9 and lines 58-67}. This is considered as functionally equivalent to the claimed "said first calling card number associated with a first owner and said data storage area configured to store said first calling card number in said first format independent of said second data set".

However, Hikita et al does not disclose a calling card and adding a header to at least one of said first and second call carrier data sets, the header identifying at least a status condition of the at least one of said first and second call carrier data set. However, such calling cards are conventional and would have been obvious in the system of Hikita et al, as evidenced by Tamaoki. As such, Tamaoki, in the same field of endeavor, teaches of a telephone operated by a telephone card for the purpose of automatically making calls without requiring the input of a telephone number {see Tamaoki, column 1 and lines 46-50+}. Tamaoki suggests that telephone

cards are advantageous because the user need not prepare small change each time the user operates a telephone as compared to a coin- operated telephone {see Tamaoki, column 1 and lines 23-28}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include calling card or telephone card in the system of Hikita et al because, as evidenced by Tamaoki, a user need not prepare small change each time the user operates a telephone.

However, Hikita et al. in view of Tamaoki does not disclose adding a header to at least one of said first and second call carrier data sets, the header identifying at least a status condition of the at least one of said first and second call carrier data set.

In an analogous art, Williams teaches a certificate form obtains the information necessary for creating a certificate granting authority to utilize an instrument with a report header 2660 entry field that allows a user to enter information for display as a title (i.e. annotation) for the report (i.e. call carrier data set) (column 36 lines 33 to 67; see Figure 26) in order to a customize display to specific transaction records.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to recognize to add annotation to the data set to identify the transaction title in the report taught by Williams et al. in the data communication system that facilitating a transaction using a plurality of data sets on a calling card of Hikita et al. in view of Tamaoki because having a report header entry field to add annotation to the data set as the title for the report would improve functionality to create a customize to specific transaction records.

Referring to Claim 7, Hikita et al. in view of Tamaoki and Williams et al. disclose the system according to claim 6, Tamaoki teaches a remote card validation database in the form of a controller 31 for administering control sequence stored in a ROM 32 {see Tamaoki, paragraph-bridging columns 2 and 3}. The control sequence includes authorizing telephone card account transactions {see Tamaoki, column 3 and lines 59-67}. The validation database is in communication with an ordinary company, which keeps track of telephone fees {see Tamaoki, column 4, lines 60-66}. Also see Hikita et al regarding a remote card validation database in communication with a rating database, as claimed {see Hikita et al, column 10, lines 1-67}.

Claim 1 recites a method for practicing the system of claim 6 and therefore rejected for the same reasons.

In claim 2, Hikita et al teach, each IC card 3 can communicate with a plurality of RFID reader/writer {see Hikita et al, column 4, lines 16-18}.

In claims 3 and 4, Hikita et al does not disclose, said RFID reader is operable to receive at least one of said first and second call carrier data in magnetic stripe format. Tamaoki suggests that magnetic stripe format is advantageous because it can record information related to the telephone card {see Tamaoki, column 3, lines 1-5}. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of applicant's invention, to include the claimed magnetic stripe format language in the system of Hikita et al because, as evidenced by Tamaoki, a magnetic stripe format can record information related to the telephone card.

Claim 5 recites a method for practicing the system of claim 7 and therefore rejected for the same reasons.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 571-272-3061. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.


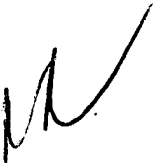
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on 571- 272-3059. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nam Nguyen  
December 31, 2007



BRIAN ZIMMERMAN  
SUPERVISORY PATENT EXAMINER